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office.' " I asked, " Why not? " He said, " Because it may never reach me through the Turkish post office. And, do not mail any letters from the Turkish post office, because they may never reach their destinations." Again I inquired, " Why not? " " Because," he replied, " there is a chance that some post office clerk will take off the postage stamps and sell them and throw your letter in the waste basket." And in point of fact, there is a German, a French, and an English post office in Constantinople. As long as that is the case Turkey is not the equal of the United States; not the equal of Great Britain. She is not the equal not because she is not so strong, not because she has not so much money, not because she has not so many people, but because she has not such a sense of justice and righteousness as deserves our confidence and does not adequately protect persons and property.

The CHAIRMAN (Mr. Porter). Gentlemen, we have a good deal of formal business to transact. The time is getting a little short. If there be no further remarks we will proceed to general business.

BUSINESS MEETING

The CHAIRMAN. Unless there be objection we will dispense with the reading of the minutes of the last meeting because they have all been published in our ANNUAL PROCEEDINGS.

First let me say that it was contemplated to have another session here this afternoon, and the Executive Council were to present some suggestions, and we find that we can very easily avoid calling a session this afternoon, as many have engagements, and it would be inconvenient to be here. Therefore, the Chair will now suggest that we take a recess of ten minutes, during which time the Executive Council will meet at the opposite end of the room, and have further consultation and present whatever they may have to this body. If there be no objection we will now take recess for ten minutes.

Thereupon, at 12.00 o'clock noon, the Society took a recess for ten minutes, when it was again called to order.

The CHAIRMAN (Mr. Porter). The Chair would state that at a meeting of the Executive Council, held on April 10 last, the following resolution was adopted to be referred to this body:

Resolved, That the Executive Council has received and considered the following amendment of Article IV of the Constitution of the Society, and directs that it be submitted to the consideration of the Society at the business session of its next annual meeting, April 24, 1909:

"Article IV is hereby amended by inserting after the words 'The officers of the Society shall consist of a President,' the words, 'an Honorary President.'"

Mr. C. H. BUTLER. I move the adoption of the amendment.

The CHAIRMAN. You have heard the motion. Is it seconded?

Mr. FOSTER. I second the motion.

The CHAIRMAN. Are there any remarks upon the subject? If not, those in favor of its adoption will say aye; those opposed, no. The ayes have it and the resolution is adopted.

Mr. BUTLER. As it would require a nominating committee to be appointed to fill the vacancy, I move that the filling of this vacancy be referred, with power, to the Executive Council.

The CHAIRMAN. You have heard the motion. Is it seconded?
(The motion was duly seconded.)

Admiral STOCKTON. There is a nominating committee already appointed to fill certain vacancies.

The CHAIRMAN. That was to fill the vacancy — to select an honorary member.

Mr. BUTLER. No, that was for the purpose of making the usual nominations for the year.

The CHAIRMAN. Oh, yes; that would come later.
(The question was called for.)

The CHAIRMAN. Are you ready for the question? Those in favor of the motion say aye; those opposed, no. The ayes have it; it is adopted.

The Chair would announce that the Executive Council took up the question of electing this year another honorary member, but it requires some time and reflection to select a person for that very important position, and they were of the opinion that it should go over until the next year, and the Executive Council appointed the following committee to consider the question and to report: George G. Wilson, Theodore S. Woolsey, and Jackson H. Ralston.

A motion will be in order to approve this action of the Executive Council.

(It was moved that the action of the Executive Council be approved. The motion was duly seconded.)

The CHAIRMAN. The motion has been made and seconded. Those in favor of the adoption say aye; those opposed, no. It is adopted.

The election of officers is in order. We will hear the report of the committee on nominations.

(Admiral Stockton read the report of the Committee on Nominations.)

WASHINGTON, D. D., *April 24, 1909.*

To the

AMERICAN SOCIETY OF INTERNATIONAL LAW:

Your Committee on Nominations, appointed by the Executive Council on the 23rd of April, 1909, has the honor to report the following nominations:

President

Hon. Elihu Root

Vice-Presidents

Chief Justice Fuller	Hon. John W. Foster
Justice David J. Brewer	Hon. George Gray
Justice William R. Day	Hon. John W. Griggs
Hon. William H. Taft	Hon. William W. Morrow
Hon. Andrew Carnegie	Hon. Richard Olney
Hon. Joseph H. Choate	Hon. Horace Porter

Hon. Oscar S. Straus

For members of the Executive Council for the term ending in 1912:

Chandler P. Anderson, Esq., New York
 Charles Henry Butler, Esq., District of Columbia
 Hon. Jacob M. Dickinson, District of Columbia
 Prof. George W. Kirchwey, New York
 Robert Lansing, Esq., New York
 Prof. John Bassett Moore, New York
 Prof. James Brown Scott, District of Columbia
 Prof. George G. Wilson, Rhode Island

Respectfully submitted,

ROBERT S. WOODWARD

C. H. STOCKTON

A. H. SNOW

FRANCIS W. AYMAR

The CHAIRMAN. Gentlemen, you have heard the report of the Committee on Nominations. What is your pleasure?

A MEMBER. I move that the nominations be closed, and that the Secretary be empowered to cast the ballot.

The CHAIRMAN. You have heard the motion; is it seconded?
 (The motion was duly seconded.)

The CHAIRMAN. Those in favor say aye; those opposed say no. It is adopted.

The SECRETARY. The ballot is cast as directed, and the recommendations of the Committee for the coming year have therefore been adopted by the Society.

The CHAIRMAN. The Secretary reports that he has cast the ballot for the officers as nominated, and they are declared duly elected.

The SECRETARY (Mr. Scott). In the temporary absence, I might say, of Mr. Lansing, who is engaged in the very difficult and troublesome business of arranging the seating of the members and guests

to-night, I take the liberty of proposing to the Society a motion which he was to have made, and I make it on his behalf:

Whereas, the arbitration of questions of a legal nature between nations is recognized as the most effective and, at the same time, the most equitable means of settling disputes which diplomacy has failed to settle; and

Whereas, the establishment of a permanent court of international arbitration is predicated upon principles of justice universally recognized; therefore, be it

Resolved that the President of the American Society of International Law shall appoint a committee of seven members, of which he shall be ex officio the chairman, to report to the annual meeting of this society in 1911 a draft codification of those principles of justice which should govern the intercourse of nations in times of peace.

The reason for this motion is to get before the Society a large and generous work, to employ its specialists in attempting to define those principles, which, as a matter of fact, do obtain either universally or almost universally; to see how far such principles may be reduced to the form of a code, for the reason that if arbitration is to become a permanent method for the settlement of international disputes, and if at any time there is to be a court really permanent and in session, it is as necessary for this court to have the principles of law determined as it was and is for the international court of prize to have a compact, recognized body of maritime law, to be administered by an international court of prize as often as questions arise and are presented to it for adjudication. The motion is merely that a committee be appointed by the President of the Society, this committee to consist of seven members selected by him, of which he shall be chairman. It shall examine the proposition, and if found feasible, a draft will be presented to the Society at the annual meeting, to be discussed by the Society, accepted in whole or in part, or rejected in whole or in part, modified, amended in such way as to form a draft codification of those principles of justice which must be, or probably would be applied, in deciding cases arising between nations in their ordinary international intercourse, and it is unnecessary, I take it, to do more than to state

the problem. Learned societies in Europe have considered the matter, and it seemed to us, especially to Mr. Lansing, who is the author of the project, that by debating it the Society would be given ample opportunity to consider these questions and by considering them maturely to report to the Society in order that the codification of the principles of justice might make progress and take tangible form.

Mr. BUTLER. I would like to move an amendment, which I would like to state has Mr. Lansing's consent, "and make a preliminary report, if possible, in 1910, sufficiently in advance of the meeting to be a subject of discussion at the Fourth Annual Meeting," in order to give the members of the Society an opportunity of getting in communication in regard to the scope of the report, so that suggestions could be made to this committee; and, while it would take certainly two years, and probably much longer than that, to get the views of this society into final shape, it might be well at the earliest moment possible if we could have an idea of what the scope of this report is to be. In that way those who are not on the committee would have an opportunity of communicating with the committee and giving it such ideas as they might have in regard to the various subjects which will necessarily be up.

The SECRETARY (Mr. Scott). I might say that I am authorized to say that Mr. Lansing accepts that amendment.

Mr. HART. Coming from the state of Louisiana where we have the civil code, which we consider the greatest book that ever came from the hand of man, I desire the privilege of seconding that motion. I want to see not only every state in the Union come to code law, just as is being done principally in commercial matters, but I want to see the whole world come to a code, and therefore, on behalf of Louisiana, I desire the privilege of seconding that motion.

The CHAIRMAN. Gentlemen, you have heard the resolution offered by the Secretary and seconded by the member from Louisiana. Those in favor of the adoption —

Mr. CRAMMOND KENNEDY. Mr. President, would it be asking too much of Dr. Scott to read that resolution again?

The CHAIRMAN. The Chair would state that the mover of the resolution accepts the amendment of Mr. Butler.

The SECRETARY. "Whereas," — and I might make a slight explanation, and say that the first part of the resolution is copied from article VI of the Hague Convention of 1899 for the peaceful settlement of international disputes —

Whereas, the arbitration of questions of a legal nature between nations is recognized as the most effective and, at the same time, the most equitable means of settling disputes which diplomacy has failed to settle; and

Whereas, the establishment of a permanent court of international arbitration is predicated upon principles of justice universally recognized; therefore, be it

Resolved, that the President of the American Society of International Law shall appoint a committee of seven members, of which he shall be ex officio the chairman, to report at the annual meeting of this society in 1911, a draft codification of those principles of justice which should govern the intercourse of nations in times of peace.

As amended by Mr. Butler there would be added,

And make a preliminary report, if possible, in 1910, sufficiently in advance of the meeting to be a subject of discussion at the Fourth Annual Meeting.

Mr. F. D. McKENNEY, asked for recognition.

The CHAIRMAN. Mr. Kennedy has the floor. Does Mr. Kennedy yield?

Mr. KENNEDY. I yield.

Mr. McKENNEY. I desire to suggest to the members of the Society, an amendment to the resolution, namely, that the officers of the Society — not limited, as it appears to be in the resolution, to the President — but that all of the executive officers of the Society

be *ex officio* members of this committee. That will give us a little larger committee, and at the same time it will give the members — active working committee members — the benefit of the views of the executive officers of the Society. I suggest such amendment to the resolution.

The CHAIRMAN. Is that amendment seconded? The Chair hears no second to the amendment. The question now arises upon the original motion.

Mr. KENNEDY. Mr. President, I do not see how the “principles of justice which are universally recognized” could be codified, even if they needed to be. If they are universally recognized they certainly do not need to be codified. It is not the principles of justice, it seems to be, that should be codified, but the rules applicable to concrete cases, in the application and administration of those principles of justice. Now, it is a very wide field upon which this committee would enter, and it seems to me that before appointing such a committee and having it enter that field, its duties should be more specifically defined, and I would like to ask our friend, Dr. Scott, who has doubtless given some consideration to the proposition, to give us an outline, no matter how brief, of what the committee would have to do in the exercise of the functions with which we propose to invest it. It seems to me that it would be very difficult for the committee to define what the principles of justice universally recognized are, and that the thing which would be of service in the administration of international law by such a court as we hope to see organized for the settlement of international differences — the only thing which would be of service to that court — would be to codify the rules or principles in view of the existing state of international law and of that ideal state which we expect to reach by the evolution of international law — for, of course, it is conceded that international law is an evolution. I say that it would be of service in the administration of that law and in the correction of its deficiencies, for such a committee to frame a code, but my trouble is that the proposed codification does not seem to

be precisely enough defined in the resolution which simply provides for a definition of "principles of justice universally recognized."

The SECRETARY (Mr. Scott). Mr. Chairman, I would like to say that as far as I am concerned I should like to adopt as the authoritative interpretation of this motion the analysis which Mr. Kennedy has made of the question, and his statement of the problem, which would be before the Society, because, however the resolution be framed, the result can be little more nor less than the draft of the code in accordance with the analysis which Mr. Kennedy himself has made.

Mr. T. P. ION. I would propose to add two words to the amendment, or in the amendment which Mr. Kennedy has proposed — it is a legal question — "international conflicts." That will cover, I think, all the ground we want — not only legal questions, because there are questions which are not legal questions between states, and those questions would come before a court of arbitration. A legal question is very limited, I think.

Mr. JOHN W. FOSTER. Mr. President, I am inclined to think that this discussion is a little premature. What I understand to be the object of the resolution is to prepare something to present at the next meeting of the Society, to be discussed, and if what the committee reports does not meet with the views of the gentlemen who have spoken, they can then be heard on the subject and their views acted on at the next annual meeting. I have had some experience in getting up the program of these meetings. The difficulty we encounter is in fixing upon subjects to discuss of lively interest, and this resolution commends itself to me as a possible aid to the committee on program — to have a committee appointed with the assurance that there will be something presented that can be discussed with interest at the next meeting. We do not commit ourselves to anything; we ask merely this committee to bring in something which we can talk about then.

A MEMBER. Is there an amendment pending?

The CHAIRMAN. There is no amendment before the body now — no amendment has been seconded.

Mr. L. B. EVANS. It seems to me, Mr. President, that what we want is a codification of legal rules. We ought not to instruct a committee to compose a codification of the rules of ethics, and it seems to me that that is just what this resolution calls for. If Mr. Kennedy would be kind enough to formulate an amendment, I should be very glad to second it.

The SECRETARY (Mr. Scott). I should like to state that Mr. Kennedy's language has been taken down and, as far as I have any power to bind others, it was accepted as the interpretation to be given to this original motion, which is a very careful analysis of the concrete problems with which the committee will be confronted. If the committee should care to take his original language and put it in different form, it would certainly be acceptable to those who propose it, but I think you will see upon reading it that it incorporates the very idea that led you to make the motion you just made.

Mr. JOHN W. FOSTER. You had better appoint Mr. Kennedy on the committee. Then he will have it reported on time.

Mr. KENNEDY. It seems to me that perhaps the simple way would be to accept Mr. Scott's suggestion and regard what I said not as an amendment, but rather as an indication of what the Society thinks that the duty of the committee would be.

Mr. L. B. EVANS. Mr. President, I do not want to be too insistent, but undoubtedly this resolution will be published and it will come to the notice of a great many people, and I don't quite relish the idea of this Society's undertaking an impossible task. We are committing ourselves to the language of the resolution, and we must remember that when this resolution goes forth it will be read by many people who will not have the opportunity of reading Mr. Kennedy's interpretation of it. If this resolution is adopted as it now stands, it instructs the committee to prepare a code of ethics,

whereas what we want is a code of law, and I wish very much that Mr. Kennedy would formulate an amendment which, according to Dr. Scott's statement, will be in accordance with the ideas of the gentlemen proposing this resolution.

Mr. KENNEDY. Mr. Chairman, perhaps a short amendment, simply substituting for the "principles of justice universally recognized," "the rules and principles of international law applicable to international differences" would be sufficient—that is very simple, and yet I think it would cover the point.

The SECRETARY. Why not say, "international relations," which will include "differences" and "conflicts" as well?

Mr. KENNEDY. Yes, but the trouble with "international relations" is that it includes the cohesion or agreement of nations, as well as the differences which may arise and call for arbitration. I wish my friend who has done me the honor of approving my suggestion would himself draft an amendment. I know it is a very large subject, and that is precisely the reason why, if we are going to appoint a committee to tackle it, the directions to that committee should be, as I have said, more precise and specific.

Mr. MARBURG. Mr. Chairman, I should like to say that if the committee shall attempt to present a code on international law we shall have a number of very big volumes, and it will require a great many years to prepare them. It seems to me that the mover of this resolution must have had in his mind something different. We have a body of international law which is limited in its scope and limited in its operation, and we have outside of that certain ideals and certain principles of justice which we hope will in time become a part of international law. I should be in favor of permitting this resolution to go through as it is worded, and let us see what this committee shall present at the end of one year.

The CHAIRMAN. The mover of the resolution says that we can adopt and incorporate the suggestion of Mr. Kennedy and others interested, and I am sorry that our time is very limited just now.

We have to have a short meeting of the committee and then have to repair to the White House.

The question arises upon the resolution. Those in favor please say aye; those opposed, no. It is unanimously adopted.¹

The Chair has a notice to give before we adjourn. Before the banquet to-night, the members will convene on the opposite side of the hall and will be shown their places at the table. From the increased number of those who will be at the banquet, over former years, it looks as if it would be a very great success.

A MEMBER. What is the hour of the banquet?

The CHAIRMAN. The hour of the banquet is seven. Among the speakers, you will be glad to learn, will be the Hon. George W. Wickersham, Rev. Dr. Lyman Abbott, Dr. R. S. Woodward, Mr. Samuel J. Elder and others.

I will ask the members of the Executive Council to meet here for a few moments.

A motion to adjourn will now be in order.

Mr. T. P. ION. A motion expressing sympathy for the victims in Turkey was presented yesterday. I do not think that the committee has done anything about that this morning.

¹ The resolution in its final form reads as follows:

"Whereas the arbitration of questions of a legal nature between nations is recognized as the most effective and, at the same time, the most equitable means of settling disputes which diplomacy has failed to settle; and

"Whereas the establishment of a permanent court of international arbitration is predicated upon principles of justice universally recognized; therefore, be it

"Resolved, that the President of the American Society of International Law shall appoint a committee of seven members, of which he shall be ex officio the chairman, to report to the annual meeting of this society in 1911 a draft codification of those principles of justice which should govern the intercourse of nations in times of peace; and make a preliminary report, if possible, in 1910, sufficiently in advance of the meeting to be a subject of discussion at the Fourth Annual Meeting."

The President appointed a committee of nine, instead of seven, in view of the amount of work to be performed. For the membership of the committee, see page 11.

Mr. F. W. AYMAR. It was referred to the Executive Council for action.

The CHAIRMAN. It was referred to the Executive Council. The Executive Council are going to hold a short meeting now, and that will be considered.

(It was moved and seconded that the Society adjourn.)

The CHAIRMAN. If there is no objection, it will be considered that the motion to adjourn is carried, and the Society will stand adjourned.

Thereupon, at 12.37 p. m., the Society adjourned *sine die*.

RECEPTION BY THE PRESIDENT OF THE UNITED STATES

At one o'clock in the afternoon the President of the United States, attended by Hon. Elihu Root, received the members of the American Society of International Law in the East Room of the White House.

FOURTH ANNUAL BANQUET

At seven o'clock in the evening of Saturday, April 24, 1909, the members of the American Society of International Law gathered at the New Willard Hotel to attend the annual banquet. The speakers on this occasion were:

The Attorney-General.
 Dr. Lyman Abbott
 Dr. R. S. Woodward
 Mr. Samuel J. Elder
 General Horace Porter.